

City Council Agenda Items
and
Contracts, Leases or Agreements

8/20/2013

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 13-4428: Vacation (4291 BLACK CANYON ST./HAMPTONS LOT 18, 608): Submitted by ENGINEERING SERVICES, INC. for property located at 4291 BLACK CANYON STREET. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.23 acres. The request is to vacate a portion of an existing pedestrian access easement on the subject property.

↑ .03 acres

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
 Department Director 07-25-2013
 Date

[Signature] (Title should say .03 acres)
 City Attorney 7/25/13
 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul a. Butler
 Finance and Internal Services Director 7-29-2013
 Date

Received in City Clerk's Office 07-25-13 4:11:34 PM
[Signature]

[Signature]
 Chief of Staff 7-29-13
 Date

Received in Mayor's Office
 ENTERED 7/25/13
[Signature]

[Signature]
 Mayor 7/30/13
 Date

Comments:

[Empty box for comments]

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

From: Jesse Fulcher, Current Planner

Date: July 23, 2013

Subject: VAC 13-4428 (4291 BLACK CANYON ST./HAMPTONS LOT 18)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a portion of a pedestrian access easement.

BACKGROUND

The subject property is located in the Hamptons Subdivision, east of Stonebridge Meadows Golf Course. A requirement of the development was to plat a 20 foot wide pedestrian access easement centered on the lot line between Lots 17 and 18. The easement provides access for subdivision residents to Rodney Ryan Park, located directly south within the Stonebridge Meadows Subdivision.

The applicant's request is to vacate the east 10 feet of the dedicated access easement and then dedicate 10 feet on Lot 17 to maintain the 20 foot easement. A single-family home has been constructed on Lot 18 and the new privacy fence has been constructed across the easement.

The applicant has submitted the required easement vacation forms to the City Parks Department and adjacent property owners with no objections. The owners of Lots 17, 18 and the City of Fayetteville have all agreed to the proposal.

DISCUSSION

On July 22, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4428 SUBMITTED BY ENGINEERING SERVICES, INC. FOR PROPERTY LOCATED AT 4291 BLACK CANYON STREET, TO VACATE A PORTION OF A PEDESTRIAN ACCESS EASEMENT, A TOTAL OF 0.03 ACRES.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted access easement is not required for corporate purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described access easement in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

“A 10 foot public access easement shall be dedicated on Lot 17 prior to the subject vacation becoming valid.”

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

VAC13-4428

HAMPTONS LOT 18

Close Up View



SUMMER ROSE AVE

SUBJECT PROPERTY

RSF-4

BLACK CANYON ST



P-1

RIVER MEADOWS DR

Legend

- Multi-Use Trail (Existing)
- Future Trails
- - - - - Fayetteville City Limits

Overview VAC13-4428

- Footprints 2010
- Hillside-Hilltop Overlay District
- - - - - Design Overlay District
- Design Overlay District
- - - - - Planning Area

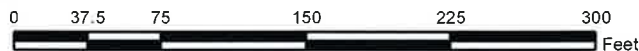


EXHIBIT "B"
VAC 13-4428

ACCESS EASEMENT VACATION LEGAL DESCRIPTION

A PART OF LOT 18 OF THE HAMPTONS SUBDIVISION, PHASE I TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN UPON THE PLAT FILED FOR RECORD IN PLAT BOOK 23A AT PAGE 389, RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOW, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18; THENCE ALONG THE NORTH LINE OF LOT 18 SOUTH 87°02'15" EAST 10.00 FEET; THENCE SOUTH 02°48'02" WEST 127.31 FEET TO A POINT ON THE SOUTH LINE OF LOT 18; THENCE NORTH 87°02'15" WEST 10.00 FEET TO THE SOUTHWEST CORNER OF LOT 18; THENCE ALONG THE WEST LINE OF LOT 18 NORTH 02°48'02" EAST 127.31 FEET TO THE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS.



PC Meeting of July 22, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 16, 2013~~ Updated July 23, 2013

VAC 13-4428: Vacation (4291 BLACK CANYON ST./HAMPTONS LOT 18, 608):
Submitted by ENGINEERING SERVICES, INC. for property located at 4291 BLACK CANYON STREET. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.23 acres. The request is to vacate an existing pedestrian access easement on the subject property.

Planner: Jesse Fulcher

Findings:

Property: The subject property is located in the Hamptons Subdivision, east of Stonebridge Meadows Golf Course. A requirement of the development was to plat a 20 foot wide pedestrian access easement centered on the lot line between Lots 17 and 18. The easement provides access for subdivision residents to Rodney Ryan Park, located directly south within the Stonebridge Meadows Subdivision. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Single-family	RSF-4, Residential Single-family
South	Park	RSF-4, Residential Single-family
East	Single-family	RSF-4, Residential Single-family
West	Undevelopable lot	RSF-4, Residential Single-family

Request: The applicant's request is to vacate the east 10 feet of the dedicated access easement and then dedicate 10 feet on Lot 17 to maintain the 20 foot easement. A single-family home has been constructed on Lot 18 and the new privacy fence has been constructed across the easement.

Easement Vacation Approval: The applicant has submitted the required easement vacation forms to the City Parks Department and adjacent property owners with no objections. The owners of Lots 17, 18 and the City of Fayetteville have all agreed to the proposal.

UTILITIES

RESPONSE

Ozarks Electric	N/A
Cox Communications	N/A
Southwestern Electric Power Company	N/A
Source Gas	N/A
AT&T	N/A

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	N/A
Transportation	N/A
Solid Waste	N/A

ADJACENT PROPERTY OWNER:

RESPONSE

West (Lot 17): Legacy National Bank	No objections
South (Rodney Ryan Park): City of Fayetteville	No objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 13-4428** to the City Council with a recommendation for approval subject to the following conditions:

1. A 10 foot public access easement shall be dedicated on Lot 17 prior to the subject vacation being valid.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

Date: July 22, 2013

Motion: Cook

Second: Winston

Vote: 7-0-0 (consent agenda)

Notes:

June 11, 2013

City Council and Planning Commission
City of Fayetteville, Arkansas
125 West Mountain
Fayetteville, AR 72701

RE: Easement Vacation Petition
Parcel Number 765-29194-000

Dear Mr. Sir or Ma'am,

On behalf of our client, we are submitting materials to vacate an existing pedestrian access easement located on Lot 18 in Phase I of The Hamptons Subdivision, which is located at 4291 Black Canyon Street. This letter is intended to provide the scope, nature, and intent of the petition to vacate this easement.

The property is currently in the RSF-4 (Residential Single Family - 4 Units per Acre) zoning district, and is owned by Riggins Construction, Inc., which is both the property owner and the applicant. The Final Plat for this subdivision, filed at Book 23A, Page 398, created a 20' wide pedestrian access easement centered on the common lot line of Lots 17 and 18, with 10' of the easement on each lot. This access easement is intended to provide a route of ingress/egress for pedestrians from The Hamptons Subdivision to Rodney Ryan Park, which is located to the south on Lot 83 of Stonebridge Meadows Subdivision, Phase II and Lot 161 of Stonebridge Meadows Subdivision, Phase IV.

Lot 17 in The Hamptons Subdivision has a large utility easement running diagonally across it to accommodate multiple gas lines, and is therefore identified on the final plat as unbuildable. For this reason, the owner of Lot 18 is requesting that the 10' of pedestrian access easement situated on Lot 18 be vacated, and the access easement on Lot 17 be expanded from 10' to 20' via a separate easement dedication document. The practical result of this will be to shift the entire 20' easement 10' to the west, and place it completely on Lot 17, an unbuildable lot. The owners of lot 17, the owners of lot 18, and the City of Fayetteville Parks Department have all agreed to this proposal. There is no known existing trail infrastructure located within the easement which will need to be relocated or modified.



Jerry W. Martin, P.E.
Chairman of the Board

Philip C. Humbar, P.E., P.L.S.
President

Brian J. Moore, P.E.
Vice President

Tun J. Mays, P.E.
Secretary / Treasurer

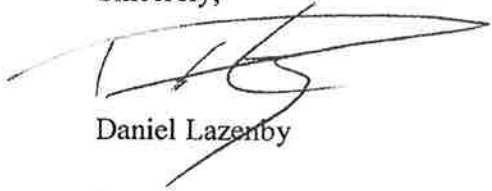
June 11, 2013
Fayetteville City Council and Planning Commission
Page 2

The following materials are enclosed with this letter:

- Easement Vacation Application
- Easement Vacation Petition
- County Parcel Map Exhibit with Adjacent Parcel Data and Easement Location
- Survey of Property Showing Easement Location (Filed Final Plat of Hamptons Subd.)
- Copy of Warranty Deed
- Legal Description of Entire Lot 17 and Access Easement to be Vacated
- Certified List of Adjacent Property Owners
- Certificate of Mailing
- Adjacent Property Owner Notification Form and Written Notification Form (Both forms were mailed to all adjacent property owners)
- Certified Mail Receipts from Adjacent Property Owner Notification Letters
- Check to City of Fayetteville in the amount of \$205.00 for Application Fee & Sign Fee

Please let me know if you have any questions or need any further information.

Sincerely,



Daniel Lazenby

Enclosures



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

TO: Fayetteville City Planning Department
FROM: Alison Jumper, Park Planning Superintendent *aj*
DATE: June 11, 2013
SUBJECT: Hamptons Subdivision Easement Vacation/Dedication

The final plat for the Hamptons subdivision required a 20' public easement between lots 17 and 18 to provide access to Rodney Ryan Park, a city-owned public park. The developer is requesting to vacate 10' of the easement currently located on lot 18 and add a 10' easement on lot 17, thereby creating a 20' easement located entirely on lot 17 as it is an unbuildable lot. Parks staff supports this change as it will continue to provide public access to Rodney Ryan Park. If you have any questions, please contact me.

From: Daniel Lazenby <dlazenby@engineeringservices.com>
To: 'Jesse Fulcher' <jfulcher@ci.fayetteville.ar.us>
Date: 7/19/2013 2:23 PM
Subject: FW: Hamptons SD vacation

Mr. Fulcher,

Please see the forwarded email below from Mr. Kleck, Senior Vice President/Chief Lending Officer for Legacy National Bank stating his agreement to the proposed easement dedication.

Thank you,

Daniel G. Lazenby

Engineering Services, Inc.

1207 South Old Missouri Road

P.O. Box 282

Springdale, AR 72765-0282

Phone: (479) 751-8733 / Fax: (479) 751-8746

www.engineeringservices.com <blocked::http://www.engineeringservices.com/>

From: John Carpenter [mailto:jcarpenter@lindsey.com]
Sent: Friday, July 19, 2013 2:19 PM
To: 'Daniel Lazenby'
Subject: FW: Hamptons SD vacation

See below!

From: Gary Kleck [mailto:Gary.Kleck@legacyar.com]
Sent: Friday, July 19, 2013 2:17 PM
To: 'jcarpenter@lindsey.com'
Subject: RE: Hamptons SD vacation

Good afternoon John,

Yes we approve of dedicating the easement to Lot 17. Thanks

Gary Kleck

Senior Vice President

Legal Descriptions to Accompany Easement Vacation Application for Parcel No. 765-29194-000

LEGAL DESCRIPTION OF ENTIRE PROPERTY - FROM DEED BOOK 2012 PAGE 24589:

Lot 18 of The Hamptons Subdivision, Phase I to the City of Fayetteville, Washington County, Arkansas, as shown upon the plat filed for record in Plat Book 23A at Page 389, recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases, if any.

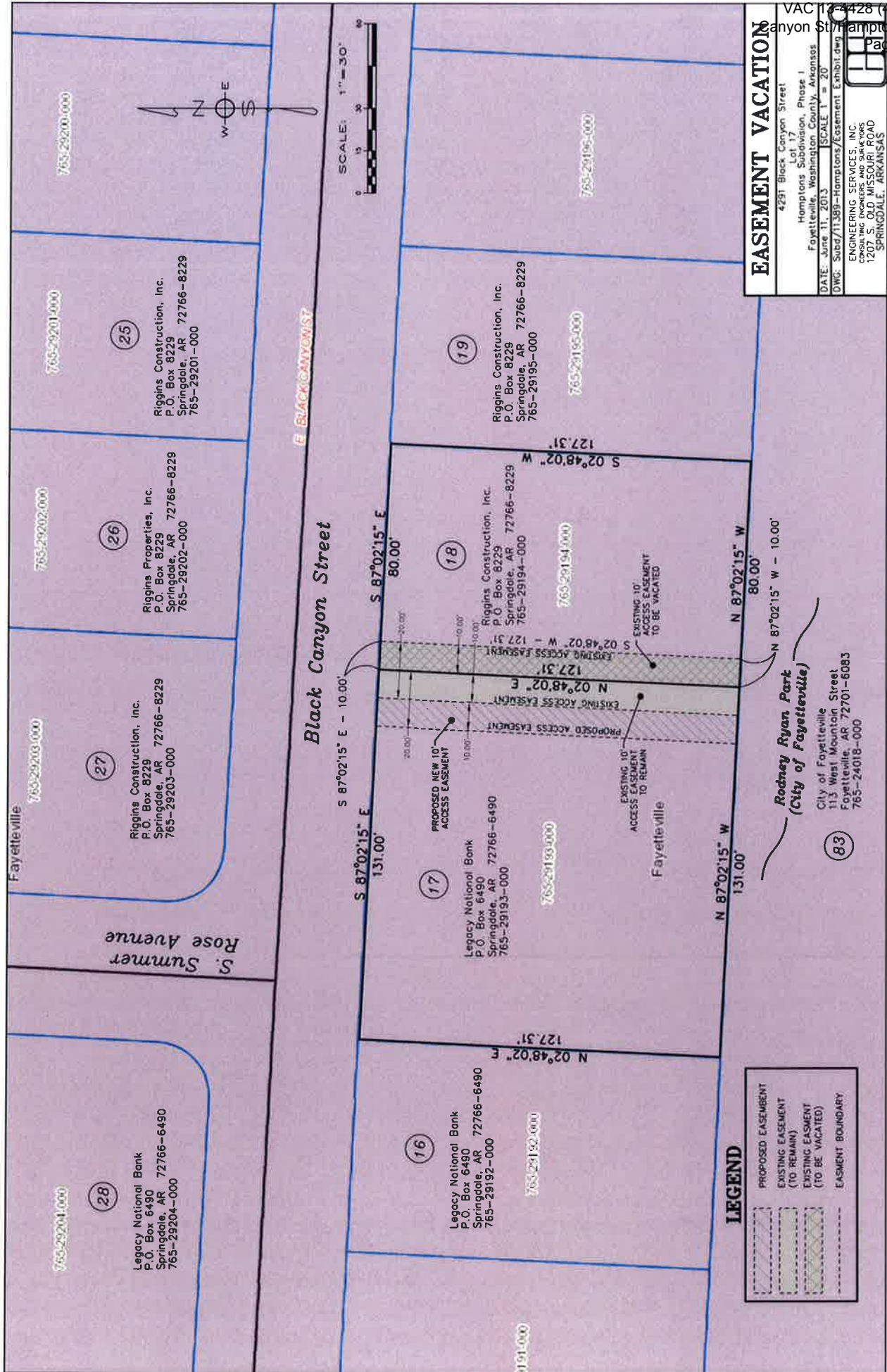
LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

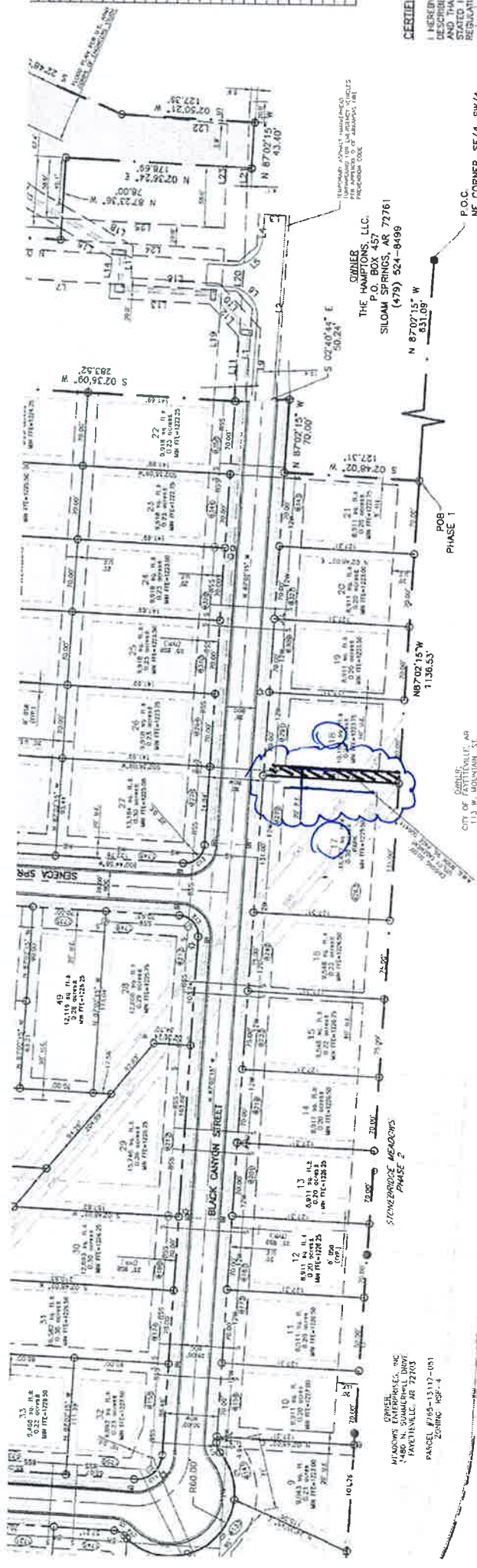
A part of Lot 18 of The Hamptons Subdivision, Phase I to the City of Fayetteville, Washington County, Arkansas, as shown upon the plat filed for record in Plat Book 23A at Page 389, recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follow, to wit:
Beginning at the northwest corner of said Lot 18; thence along the north line of Lot 18 South 87°02'15 East 10.00 feet; thence South 02°48'02" West 127.31 feet to a point on the south line of Lot 18; thence North 87°02'15 West 10.00 feet to the southwest corner of Lot 18; thence along the west line of Lot 18 North 02°48'02" East 127.31 feet to the Point of Beginning, containing 0.03 acres, more or less.

LEGAL DESCRIPTION OF NEW EASEMENT TO BE DEDICATED:

A part of Lot 17 of The Hamptons Subdivision, Phase I to the City of Fayetteville, Washington County, Arkansas, as shown upon the plat filed for record in Plat Book 23A at Page 389, recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follow, to wit:

Commencing at the northeast corner of Lot 17; thence along the north line of Lot 17 North 87°02'15 West 10.00 feet to the northwest corner of an existing pedestrian access easement and the Point of Beginning; thence along the west line of said existing access easement South 02°48'02" West 127.31 feet to a point on the south line of Lot 17 and the southwest corner of said existing access easement; thence along the south line of Lot 17 North 87°02'15 West 10.00 feet; thence North 02°48'02" East 127.31 to a point on the north line of Lot 17; thence along the north line of Lot 17 South 87°02'15 East 10.00 feet to the Point of Beginning, containing 0.03 acres, more or less.





OPANEL
MADDOX ENTERPRISES, INC.
1113 W. MOUNTAIN ST.
FAVETTEVILLE, AR 72701
PARCEL #185-13117-051
ZONING: R2-4

STEWARTS ROAD/PHASE 2

OPANEL
CITY OF FAVETTEVILLE, AR
1113 W. MOUNTAIN ST.
FAVETTEVILLE, AR 72701
PARCEL #185-13117-050
ZONING: R2-4

POB
PHASE 1

OWNER
THE HAMPTONS, LLC
P.O. BOX 457
SILOAM SPRINGS, AR 72761
(479) 524-8499

P.O.C.
N.E. CORNER SE/4 SW/4
SEC. 18 T. 16-N. R. 26-W
AS PER PLAT 2003-00033827
BK-9709609411

CERTIFICATE
I HEREBY
CERTIFY
AND THE
STATE OF
REPRESENT
DATE

R & SEWER SYSTEM
SEWER SYSTEM AND SEWAGE COLLECTION SYSTEM INSTALLED IN THE SUBDIVISION
KANSAS STATE BOARD OF HEALTH AND THE CITY OF FAVETTEVILLE

CERTIFICATE OF OWNERSHIP & DEDICATIONS:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE TO THE CITY OF FAVETTEVILLE, ALL THE STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY THE OWNERS ALSO DEDICATE TO THE CITY OF FAVETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAVETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW UTILITY EASEMENTS, INCLUDING CABLE TELEVISION EASEMENTS, PLANTED IN THIS SUBDIVISION AS SHOWN AS REQUESTED AND WERE APPROVED BY THE UNDERSIGNED UTILITIES OF THE CITY OF FAVETTEVILLE, ARKANSAS. WE ALSO ESTABLISH HEREBY IS THE RIGHT OF ACCESS AND EGRESS TO SAID EASEMENTS, TO PASS OVER THE DIRECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE: 8/14/11
DATE: 8/14/11

OWNER: *Wally McArthur, CEO Hampton, LLC*
OWNER: *Wally McArthur, CEO Hampton, LLC*

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS, INCLUDING CABLE TELEVISION EASEMENTS, PLANTED IN THIS SUBDIVISION ARE SHOWN AS REQUESTED AND WERE APPROVED BY THE UNDERSIGNED UTILITIES OF THE CITY OF FAVETTEVILLE, ARKANSAS.

DATE: 10-4-07
DATE: 10/4/07
DATE: 10/4/07
DATE: 10-4-07

ELECTRIC: *Mike Phipps*
CABLE SERVICE: *A. D. Duff*
TELEPHONE: *Gregory Duff*

EITS AND DRAINAGE:

WHADE SYSTEMS INSTALLED IN THIS SUBDIVISION FULLY MEET REQUIREMENTS OF

LAND DEDICATION OR MONEY IN-LIEU:

MPUES WITH SECTION 166.05(K) WITH THE OWNER PAYING IN-LIEU \$37,740.00.

RECREATION REPRESENTATIVE

NAME: *Wally McArthur*

WING SET-BACK DIMENSIONS:

OK DIMENSIONS SHOWN ON THIS PLAT ARE IN ACCORDANCE WITH THE CURRENT

RECREATION ADMINISTRATOR

NAME: *Wally McArthur*

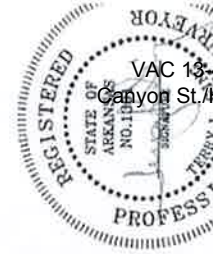
PROTECTION & PRESERVATION:

BEEN WITH THE REQUIREMENTS OF THE

LINE	LENGTH	BEARING
L1	87.66	N87°02'15"W
L2	174.94	N87°02'15"W
L3	28.00	S02°40'54"E
L4	30.33	N87°02'15"W
L5	22.31	S47°47'04"W
L6	22.37	S47°47'04"W
L7	277.13	S02°40'54"W
L8	277.26	S02°40'54"W
L9	69.09	N87°02'15"W
L10	57.68	S47°47'04"W
L11	59.77	N87°02'15"W
L12	41.03	S47°47'04"W
L13	98.75	N02°44'51"E
L14	38.29	N87°02'15"W
L15	56.21	N87°02'15"W
L16	65.08	N02°44'51"E
L17	30.67	S87°23'32"E
L18	76.55	N87°02'15"W
L19	145.43	S87°06'00"E
L20	143.42	S87°06'00"E
L21	84.59	S87°15'01"E
L22	84.59	S04°33'28"W
L23	80.99	N87°15'01"W



COPY/RI
NORTH ENGINEERING CON
207 South Main St
(479) 271 - 0906



VAC13-4428

HAMPTONS LOT 18

One Mile View

